IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1586 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/10/2004 in WP NO : 17103 OF 2004 on the file of the High Court.)

Between:

M/s. Kumar's Cotex Ltd. Regd. Office and Factory at Dokiparru Village, Medikonduru Mandal, Guntur District, A.P. and Corporate Office at 6-3-855/10A, IB, Sampathji Apartments, Ameerpet, Hyderabad-500 016,
rep by its Managing Director Sri Anil Kumar Aggarwal.

..... APPELLANT

AND

1 The Chairman and Managing Director, APSPDCL, Renigunta Road, Tirupathi.
2 The Superintending Engineer (Operation Circle), APSPDCL, Guntur.
3 The Sr. Accounts Officer, APSPDCL, GUNTUR.

.....RESPONDENTS

Counsel for the Appellant: Sri PRAKASH REDDY SENIOR COUNSEL FOR MR.K.V.SIMHADRI

Counsel for the Respondents: SMT.M.VINOBHA DEVI, SC for APSPDCL

The Court made the following ORDER:

JUDGMENT: (Per Hon'ble Sri B.Sudershan Reddy, J)

We have heard the learned senior counsel appearing on behalf of the appellant and

the learned Standing Counsel for the respondents.

We have perused the information furnished by the respondents herein, which discloses the conduct of the appellant/petitioner. It seems, he is in the habit of issuing cheques, which are invariably dishonored. That at any rate, the order passed by the learned Judge does not suffer from any infirmities requiring our interference. Learned Judge had already shown some indulgence and permitted the appellant to pay the first installment by 11.10.2004 and the second installment by 18.10.2004. The first installment as directed by the learned Judge was not paid, but paid today i.e., 14.10.2004 vide Bankers Cheque. The second installment is required to be paid by 18.10.2004.

It is not for this Court to fix the installments enabling the appellant to pay the outstanding liabilities. It appears from the record that various facilities have been given by the respondent Corporation enabling the appellant to pay the bills but on one or the other pretext they were being not complied with by the appellant.

Learned senior counsel for the appellant, however, strenuously contended that the bills could not be paid by the appellant for the reasons beyond its control and disconnection of power results in closure of Industry, which may adversely effect the welfare of about 300 workmen employed in the appellant-company.

It is also brought to our notice that the appellant herein made a detailed representation to the Chairman and Managing Director, APSPDCL, Renigunta Road, Tirupathi, and the same is stated to be pending for his consideration. The Chairman and Managing Director obviously shall take an appropriate decision in the matter and dispose of the representation of the appellant. Surely, the first respondent shall also take into consideration the consequences that may entail if the power is disconnected.

This order of ours shall not preclude the first respondent to take an appropriate decision in his discretion.

With the observations as above, the writ appeal shall stand dismissed. No order as to costs.

_____

B. Sudershan Reddy,J

_____

K.C. Bhanu,J

Date: 14.10.2004

Note:

Furnish Copy of the order by 15.10.2004

(B/o.)

VA/PV

To

1 The Chairman and Managing Director, APSPDCL,
Renigunta Road, Tirupathi.
2 The Superintending Engineer (Operation Circle), APSPDCL,
Guntur.
3 The Senior Accounts Officer, APSPDCL, GUNTUR.
4 Two CD Copies